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Letter dated 29 July 2016 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General

I have the honour to forward to you the concept note for the Security Council open debate on children and armed conflict, which will be held on Tuesday 2 August 2016 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Ramlan **Ibrahim**
Ambassador
Permanent Representative of Malaysia

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Please recycle

Annex to the letter dated 29 July 2016 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General

Concept note

Security Council open debate on children and armed conflict

2 August 2016

> "Above all else, the present report is a call to action. It is unconscionable that we so clearly and consistently see children's rights attacked and that we fail to defend them. It is unforgivable that children are assaulted, violated, murdered and yet our conscience is not revolted nor our sense of dignity challenged. This represents a fundamental crisis of our civilization."
>
> Graça Machel

Twenty years of the children and armed conflict agenda

Twenty years on, the report by Graça Machel (A/51/306) submitted pursuant to General Assembly resolution 48/157 and her call to action to the international community remain acutely relevant by providing an urgent and ongoing reminder that children continue to be disproportionately affected during and in the aftermath of armed conflict in the present day. Her comprehensive study detailed the devastating consequences experienced by children in conflict zones and spurred collective international action over the past two decades to respond to the needs of children affected by armed conflict.

The report also sparked the evolution of a unique normative framework anchored by the Security Council that established mechanisms to monitor and report on grave violations against children in armed conflict. It also created tools to engage with and hold parties accountable for their responsibilities under international law regarding the protection of children. Notable successes and achievements under this framework include:

(a) The release of over 115,000 children from armed forces and armed groups since 2000;[1] 8,000 children were released in 2015 alone;

(b) The signing of 25 action plans with parties to conflict towards ending violations against children. More than one third of such plans have resulted in the successful delisting of a party;

[1] Total tally based on figures in the annual reports of the Secretary-General on children and armed conflict from 2000.

(c) The emergence of an international consensus[2] that children should not be recruited and used in conflict under any circumstances and that they should be protected from all grave violations.

This lasting change is the direct result of the vision and action of Member States in establishing the children and armed conflict mandate and the product of action by a wide range of actors globally, including the United Nations. It is crucial that the collective action of the international community be sustained to further strengthen and enhance the protection of children in situations of armed conflict.

Highlights of the progress made on the issue of children and armed conflict in 2015/2016

1. Strengthened political commitment to eliminate the recruitment and use of children

The political commitment and resolve exhibited by Governments involved in the three-year "Children, Not Soldiers" campaign has underscored the international normative standard prohibiting the recruitment and use of children in armed conflict. All eight Governments concerned have now signed action plans with the United Nations to eliminate the recruitment and use of boys and girls in national security forces, most recently the Sudan in March 2016. Particularly noteworthy is the delisting of Chad in 2015 after it finalized its action plan commitments.

The positive momentum produced by Member States towards this objective should continue to be reinforced with international support beyond 2016 and consideration given to heightened engagement with non-State actors to obtain similar guarantees.

2. The importance of including child protection concerns in peace processes and in engagement with non-State armed groups

The Security Council open debates in March[3] and June 2015 emphasized the importance of engaging with non-State armed groups on child protection issues when opportunities arise, including in the context of peace processes. Child protection issues often provide an entry point to bring opposing parties together for discussions and can open up political space on other issues as well. Such opportunities have presented themselves since the last open debate with encouraging results.

For example, the engagement by the United Nations with armed groups in the Central African Republic led to the signing of an agreement to end recruitment and use, as well as other grave violations against children, during the Bangui Forum in May 2015. Subsequently, over 2,000 children were separated and released from signatory armed groups, with more than 3,000 children released in total in 2015 in the Central African Republic.

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[2] Examples include the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which has been signed by 179 Member States and ratified by 165; the "Children, Not Soldiers" campaign organized by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations Children's Fund to eliminate the recruitment and use of children in government national security forces; and the monitoring and reporting of the six grave violations under the Security Council framework.

[3] Non-paper prepared by the Permanent Mission of France to the United Nations (A/69/918-S/2015/372).

Another landmark development was the willingness demonstrated by both the Government of Colombia and the Revolutionary Armed Forces of Colombia-People's Army, with United Nations support, to include child protection concerns in peace talks. The talks have culminated in a commitment by the Revolutionary Armed Forces in 2016 to end the recruitment of children under the age of 18 and a public declaration by both parties that a reintegration programme for all children separated from the Revolutionary Armed Forces would be established as part of the Colombian peace process.

3. Emphasis on safeguarding access by children to education and health care

Security Council resolutions 1612 (2005), 1998 (2011) and 2143 (2014) further reinforced the urgency of protecting schools and hospitals in armed conflict to ensure safe access for children to education and health care. More recently, resolution 2286 (2016) specifically called for parties to conflict to ensure respect and protection for all medical and humanitarian personnel engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities.

The Safe Schools Declaration adopted at the Oslo Conference on Safe Schools in May 2015, which is the result of a process driven by Member States, civil society and child protection actors, has secured the endorsement of the Guidelines for Protecting Schools and Universities from Military Use during Conflict by 54 countries to date. A number of countries have been setting the example on concrete and practical measures for halting and preventing the use of schools for military purposes, through inclusion in training, military orders and political directives, and policy and doctrine development.

Responding to unprecedented and persisting challenges

In her report, Graça Machel pointed out the changing patterns and characteristics of contemporary armed conflict that cause grave harm to children, such as the proliferation of light weapons, the tensions resulting from social and economic inequalities, the erosion of traditional community support networks and the influence of the media, among others. Twenty years later, we continue to grapple with these issues while witnessing significant shifts in the landscape of armed conflict that require the urgent attention of and an innovative response from the international community.

One deeply concerning trend, also outlined in the report of the Secretary-General, is the rise of armed groups employing extreme violence and their recruitment and use of children. Children are not only at risk of being the target of attacks, but are increasingly used by armed groups such as Al-Shabaab, Boko Haram and the Islamic State in Iraq and the Levant (ISIL) in the commission of violent acts. Compounding their suffering is the fact that these children are frequently treated as security threats rather than primarily seen as victims and are further stigmatized by their communities upon their return.

Protracted armed conflicts in Africa and the Middle East are also creating an unprecedented flux of refugees seeking security and protection within and beyond national borders, with a record high of over 60 million people displaced in 2015. Children comprise a disproportionate segment of those fleeing such violence and often undertake perilous journeys to escape conflict situations. Children below the age of 18 constituted half of the refugee population in 2015, an increase of 41 per cent from the previous year. A total of 98,400 asylum applications were submitted

by unaccompanied or separated children, compared with 34,300 applications in 2014.[4]

Finally, a perennial and overlooked challenge is long-term reintegration and rehabilitation services for children affected by armed conflict. With most of the attention and funding given to emergency relief and response, an enormous task is ensuring that child survivors of conflict are given the medical, psychosocial, economic and educational support needed to build a future. In this area, the special needs of girls associated with armed forces and groups and other vulnerable children, inter alia, children with disabilities, unaccompanied children and orphans, are often neglected. Such needs deserve greater attention.

Children with disabilities in particular represent one of the most vulnerable and marginalized social groups in situations of armed conflict. Children with pre-existing disabilities and their families become even more vulnerable and face a higher risk of becoming victims of violence, discrimination, abuse and neglect. Children are also at great risk of incurring long-term disabilities in situations of armed conflict, both physically and psychologically, which are further compounded by the breakdown in health and sanitation systems during armed conflict.

Annual open debate on children and armed conflict

The Malaysian presidency of the Security Council will convene an open debate on children and armed conflict on Tuesday, 2 August 2016. The open debate will provide a platform for Member States to discuss, among other issues, the fifteenth annual report of the Secretary-General on children and armed conflict (A/70/836-S/2016/360 and Add.1) and chart the progress that has been made throughout 2015 in combating grave violations against children in situations of armed conflict.

Member States are invited to share and highlight in their interventions: (a) national initiatives and international collaborations that have been successful in enhancing the safety and protection of children in armed conflict, including initiatives for fighting impunity against perpetrators of grave violations; (b) recommendations and ideas on how to address the unprecedented and persisting challenges faced by children in armed conflict situations; and (c) concrete and actionable proposals to improve the protection of children in situations of armed conflict, including actions by the Security Council and the United Nations system.

Participation and briefers

The Secretary-General will deliver opening remarks. Leila Zerrougui, the Special Representative of the Secretary-General for Children and Armed Conflict will present the annual report on children and armed conflict followed by a briefing by Anthony Lake, Executive Director of the United Nations Children's Fund. A civil society representative (to be confirmed) will also address the Security Council on the impact of armed conflict on children.

Member States are encouraged to limit their statements presented in the chamber to four minutes and to circulate the full version of their text. No formal outcome of the Security Council is expected for the open debate.

[4] Office of the United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2015* (Geneva, 2016).

Annex

In accordance with Security Council resolutions 1575 (2004), 1639 (2005), 1722 (2006), 1785 (2007), 1845 (2008), 1895 (2009), 1948 (2010), 2019 (2011), 2074 (2012), 2123 (2013), 2183 (2014) and 2247 (2015), please find enclosed the forty-second report on Operation Althea to the United Nations Security Council (see enclosure).

(*Signed*) Federica **Mogherini**

Enclosure

Report by the High Representative of the European Union for Foreign Affairs and Security Policy on the activities of the European Union military operation in Bosnia and Herzegovina

I. Introduction

1. The present report covers the period from 1 September 2015 to 29 February 2016.

2. The Security Council, in its resolutions 1575 (2004), 1639 (2005), 1722 (2006), 1785 (2007), 1845 (2008), 1895 (2009), 1948 (2010), 2019 (2011), 2074 (2012), 2123 (2013), 2183 (2014) and 2247 (2015), requests that Member States, acting through or in cooperation with the European Union, report to the Council on the activities of the European Union military operation (EUFOR) at least at six-monthly intervals. This is the forty-second such report.

II. Political background

3. The latest reporting period on the EUFOR Althea mission was marked by a continuation of the reform efforts which led the country's Presidency to submit an application for EU membership on 15 February 2016. The EU aspirations of Bosnia and Herzogovina, as shown by the submission of their application, confirmed the readiness of the country's leadership to continue on the reform path and deliver on the necessary steps ahead. Regional cooperation continued.

4. While Bosnia and Herzogovina authorities have continued to address reform priorities and implement the reform agenda, the stability of the State-level ruling coalition, which was formed in October 2015, as well as of the governments of the Bosnia Herzogovina (BiH) Federation (FBiH) and the Republika Srpska (RS) entities was under strain owing to tensions between leading political parties.

5. Concerning the calls from the *Republika Srpska* entity's leadership for a referendum on the State-level judiciary, Respublica Srpska President Milorad Dodik announced in January that this referendum initiative would be put on hold in order to seek an appropriate solution through the EU-BiH Structured Dialogue on Justice. This referendum can be reactivated at any time, as the Respublica Srpska national assembly's decision of 15 July 2015 is still in place, and remains a matter of serious concern. Continued secessionist rhetoric is unacceptable; it disrupts the ongoing reform efforts and undermines stability and progress in BiH.

6. The renewal of the mandate of the EUFOR Althea operation at the Security Council in November 2015 further contributed to consolidation of BiH's stability and security.

7. The first Stabilization and Association Agreement (SAA) Council and Stabilization and Association Committee took place in December 2015 with constructive outcomes, including BiH's acceptance of the EU traditional trade methodology for the adaptation of the SAA following Croatia's accession to the EU; as a consequence, negotiations between BiH and the EU resumed in February on this basis; with the expectation from the EU that BiH will reach an agreement on the

technical adaptation of the SAA as a matter of urgency. Implementation of the reform agenda continued with some further reforms, including strategies and legislation, being adopted and starting to be implemented. While making considerable progress, BiH continued to lag behind in the reporting period.

8. The governments of BiH and Serbia held their first joint session in Sarajevo in November 2015, following a visit of the BiH Presidency to Belgrade in July, signalling improved relations after the tensions created around and during the twentieth commemoration of the Srebrenica genocide. High-level bilateral meetings also took place with the Croatian leadership, including members of the Presidency of BiH taking part in the inauguration of the Croatian President, who subsequently paid her first visit abroad to BiH. The Croatian Minister of Foreign and European Affairs paid his first official visit to BiH a few days following his appointment in January this year. A number of regional initiatives and bilateral agreements with neighbours of BiH were also promoted.

9. In the coming months, reform efforts should be maintained irrespective of the October 2016 local elections, in particular to address the difficult socioeconomic situation. BiH should enhance its constructive regional role and be ready to face regional and global challenges.

III. Security situation and EUFOR activities

10. The security situation in BiH overall was calm and stable during the reporting period; yet stability has not been entrenched. The reporting period saw no threat to the safe and secure environment, even though the attack in the Rajlovac area of Sarajevo in November, in which an armed individual killed two Bosnian soldiers and injured four others, was cause for concern.

11. Some actions were taken by the political leadership to start addressing the socioeconomic problems. However, the dire socioeconomic situation remained a prime factor of concern, requiring effective and sustained reform efforts. The root causes of the socioeconomic tensions have to be addressed to achieve long-term stability. In addition, polarizing and secessionist rhetoric persisted in the reporting period. Moreover, global challenges such as the return of foreign fighters and mixed migratory flows may in the future put additional pressure on this relatively fragile security environment and on the law enforcement agencies.

12. Some improvements were made regarding the capacities of the BiH law enforcement agencies while challenges and shortfalls also remain. There are substantial structural and tactical issues within the police still to be solved. In particular, Command and Control at the strategic and operational levels remain weak and law enforcement agencies remain fragmented, uncoordinated and vulnerable to political manipulation and obstruction.

13. On 23 September 2015, the Ministry of Civil Affairs hosted the first Demining Board of Donors meeting at the principals' level, after the donors' decision to reconstitute the Board on 26 May 2015. The meeting was co-chaired with the United Nations Development Programme (UNDP), which provides this function according to the provisions of the Law on Demining (2002). The need for more transparency and renewed trust between the donors and the BiH authorities, as well as addressing the serious governance shortfalls of this sector were assessed as

preconditions to sustain an appropriate level of engagement from the donor community and the operation Althea capacity-building and training support.

14. Operation Althea continued to implement its capacity-building and training tasks successfully while engaging in a more integrated approach with the North Atlantic Treaty Organization (NATO) in that area. The EUFOR Althea operation Headquarters stood ready to support the BiH authorities' efforts to maintain the safe and secure environment. EUFOR's presence on the ground, including through its liaison and observation teams, remains an important contribution to stability and security. The operation is well configured to deliver its main efforts, but continued political obstacles and shortfalls of the Armed Forces of BiH side, as well as a large amount of resources dedicated to guarding and managing an obsolete surplus of weapons and ammunition, still need to be fully addressed for the Armed Forces of BiH to entirely benefit from the capacity-building and training offer.

15. The Armed Forces of BiH managed to increase the disposal rate of ammunition, weapons and explosives surplus, and make progress in inventory thanks in part to the support provided by the Organization for Security and Cooperation in Europe, the EU and other partners in the international community.

IV. Outlook

16. The positive momentum on the EU path in BiH and progress achieved so far reduced the stalemate that BiH has been facing in the past years. Meaningful progress on the implementation of the agenda for reforms will be necessary for the membership application of BiH to be considered by the EU. At the same time, BiH is also expected to ensure the functionality of a coordination mechanism on EU matters and adapt the SAA following the accession of Croatia to the EU. Reconciliation in BiH and within the region must also remain a priority.

17. The security situation in BiH overall was calm and stable during the reporting period; yet stability has not been entrenched. Continued attention should remain on further improving the dire socioeconomic conditions. Global challenges such as the return of foreign fighters and possible mixed migratory flows may in the future put additional pressure on this relatively fragile security environment and on the BiH law enforcement agencies.

18. While important challenges remain, the renewed approach by the EU should be seized to retain a positive political momentum.